

Robert S. Dalley

Pro Se

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Chapter 11
)	CELSIUS NETWORK LLC, et al., ¹
)	Case No. 22-10964 (MG)
)	
Debtors.)	(Jointly Administered)
_____)	

The Honorable Martin Glenn
Chief Bankruptcy Judge
United States Bankruptcy Court for the Southern District of New York
Alexander Hamilton U.S. Custom House One Bowling Green New York, NY 10004

Re: In re Celsius Network LLC, et al., Case No. 22-10964 (MG) A misclassification of creditor status in Celsius' filed voting instructions and refund claim dispute.

Dear Honorable Chief Judge Glenn.

Celsius Network filed and sent a vote instruction packet along with a ballot. A company reorganization plan was also included. After reading the whole plan and how to proceed as a creditor, my classification was listed incorrectly. This misclassification has put me in the group where my invested funds with Celsius will not be returned according to the packet's info.

I am, in fact a depositor, who deposited money into Celsius' account that Celsius advertised a high interest return. When Celsius froze all accounts in July of 2022, I called and asked for my funds to be returned. I was told that I can't withdraw and this should clear up soon and not to worry.

There

I have read your ruling on individuals who are depositors and not a loan customer. The ruling, as I understand, should be receiving 100 percent of their claim.

Since before the vote happened, I have repeatedly called and emailed Stretto, Celsius and Kirkland, in hopes to correct the misclassification of my status as a creditor.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 Ltd. (1209); GK8 UK Limited (0893); and GK8 USA LLC (9450). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey

I have not received any reply from anyone from Celsius, Stretto or Kirkland. I am here today to ask the court to settle my initial claim \$3295.86 (claim number 32199) and correct the claim to including the interest \$. 3458.00 (Bankruptcy Rule 3001(c)(2)(A) and the administration claim of \$2800, which is the amount I am out of pocket since the vote, realizing the mistakes and having to address this error as well as coming to court today.

The new amount for Claim #32199 should now be \$ 5858.00

I plead with the court to grant me relief and rule for my claim to be honored and resolved as soon as possible.

Thank you.

Sincerely

Robert S Dalley

***-**-6908

Attached

Old Claim 32199


Revised Claim 32199

Statement of money owed with interest

Fill in this information to identify the case:

Debtor 1 NAll Debtors

Debtor 2 _____
(Spouse if filing)

United States Bankruptcy Court for the: Southern_ District of New York 

Case number 22-10964

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Robert S Dalley

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor Robert Dalley, Robert Sean Dalley

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

Robert S Dalley

Name

2515 Baxter Dr

Number Street

Austin

TX

78745

City

State

ZIP Code

Contact phone 512-202-4640

Contact email thenymguy@gmail.com

Where should payments to the creditor be sent? (if different)

Name

Number

Street

City

State

ZIP Code

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one)

4. Does this claim amend one already filed?

☐ No

☒ Yes. Claim number on court claims registry (if known) 32199

Filed on 08/02/2023

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 5,858.00 Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

Money deposited in Celsius' account, interest, administration claim

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ 5,858.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ 5,858.00
Annual Interest Rate (when case was filed) 4.50 %
☒ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☒ Yes. Check one:

☒ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☒ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ 1,500.00

\$ 3,350.00

\$ 1,108.00

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 10/22/2023
MM / DD / YYYY

/s/Robert Dalley

Signature

Print the name of the person who is completing and signing this claim:

Name Robert Sean Dalley
First name Middle name Last name

Title

Company
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 2515Baxter Dr
Number Street

Austin TX 78745

City State ZIP Code

Contact phone 512-202-4640 Email

Secret Flying Machines, LTD Co. Robert S. Dalley
2515 Baxter Dr
Austin, TX 78745
512.202.4640



Celsius Network LLC
50 Harrison Street Suite 209F
Hoboken, NJ

Invoice Number 1012030
Date of Issue 10/23/2023
Due Date 10/23/2023

Amount Due (USD) \$5,858.00

Description	Rate	Qty	Line Total
Interest on deposit of \$3295.86 4.5% APR plus deposit = 3458.00	\$3,458.00	1	\$3,458.00
Administration Claim for loss of work and times invested in correcting the misclassification of creditor status	\$800.00	3	\$2,400.00
	Subtotal		5,858.00
	Tax		0.00
	Total		5,858.00
	Amount Paid		0.00
	Amount Due (USD)		\$5,858.00

Terms

Please pay this upon Receipt! Thank You!